REMARKS

No claims have been added, cancelled or amended as part of this Reply. Claims 76-80 are pending.

Double Patenting Rejection

The Examiner has rejected original claims 76-80 as allegedly being unpatentable over claims 1-2 of copending Application No. 10/825,694. However, claims 1-2 of copending Application No. 10/825,694 were cancelled in a Reply dated 17 December 2007 in response to a restriction requirement. Assignee respectfully requests the Examiner withdraw this rejection.

Prior Art Rejections

In responding to the Examiner's prior art rejections, Assignee here only justifies the patentability of the independent claims (i.e., claims 76, 80). As the Examiner will appreciate, should these independent claims be patentable over the prior art, dependent claims would also necessarily be patentable. Accordingly, Assignee does not separately discuss the patentability of the dependent claims, although Assignee reserves the right to do so.

Section 102(e) Rejections

The Examiner has rejected original independent claims 76 and 80 along with original dependent claims 77-79 as allegedly being anticipated under 35 U.S.C. 102(e) by U.S. Patent Publication 2004/0005928 to Eguchi et al. ("Eguchi").

Eguchi

Eguchi is directed to "[a] game system include[ing] a first game machine which operates according to a first architecture and, a second game machine which operates according to a second architecture different from the first architecture … an emulator program that converts the second architecture into the first architecture." Eguchi at Abstract. In essence, Eguchi discloses an architecture whereby "the second game

program is rendered executable by the video game machine **12** having a different architecture [via emulation]." Eguchi at ¶107.

Discussion

The Examiner is reminded that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 quoting *Verdegaal Gros. v. Uniion Oile Co. of California* 60 USPQ2d 1375, 1376 (Fed. Cir. 2001).

The Examiner is also reminded that "[t]he goal of examination is to ***clearly articulate*** any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." M.P.E.P. § 706 (emphasis added).

In the rejection of independent claim 76, the Examiner ***only*** refers to Eguchi's GPU emulator and CPU emulator in Fig. 6. There is absolutely nothing "articulated" in this rejection. Assignee is not attempting to claim generic emulation via claim 76. On the contrary, independent claim 76 recites "using a first microprocessor to apply a first effect to a first frame of said image, said first microprocessor applying said first effect while emulating a second microprocessor; [and] using said second microprocessor to apply a second effect to said first-effected frame, applying said first effect to a next frame by said first microprocessor approximately during the time that said second microprocessor is applying said second effect to said first-effected frame." These limitations are not disclosed in Eguchi and certainly not articulated in the rejection.

Claim 76 certainly cannot be anticipated by a figure that simply has boxes for two different types of emulators. Assignee respectfully requests the Examiner withdraw this rejection.

Claims 77-79 depend from independent claim 76, and independent claim 80 is a computer-readable medium performing the method of independent claim 76. Thus, they too are patentable over the cited art for at least the same reasons as independent claim 76. Assignee respectfully requests the Examiner withdraw this rejection.

Additionally, Assignee points out that the Examiner relies on a portion of Eguchi that clearly contains a typographical error when rejecting dependent claim 79. The Examiner appears to have specifically relied on this typographical error to form his comment in the rejection. Eguchi's element 74 is very clearly identified in Fig. 2 as a GPU and not the CPU as stated in the cited text portion. It is the cited text typographical error that is apparently relied on by the Examiner in his reasoning for this rejection because the Examiner states "[t]he function is the GPU program that is being translated into a CPU program." Office Action dated 26 November 2008 at pg. 5. However, the cited portion of Eguchi refers to translating a GPU program into a GPU program when the typographical error is corrected.

Conclusion

This paper is intended to be a complete response to the above-identified Office Action. Assignee believes no fees are due. However if it is found that additional fees are due the Commissioner is authorized to deduct the necessary charges from Deposit Account: 501922/119-0036US.

Reconsideration of pending claims 76-80 in light of the above remarks is respectfully requested. If, after considering this reply, the Examiner believes that a telephone conference would be beneficial towards advancing this case to allowance, the Examiner is strongly encouraged to contact the undersigned attorney at the number listed.

Respectfully submitted,

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